

Message Text

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DEPARTMENT FOR DEPUTY SECRETARY

LONDON FOR AMBASSADOR BREWSTER FROM ASSISTANT
SECRETARY WATSON

E.O. 11652: N/A
TAGS: CGEN, FR
SUBJ: REDUCING CONSULAR WORKLOADS

REF: (A) LONDON 4392 (B) STATE 102214

1. IN ACCORDANCE WITH THE SUGGESTION OF DEPUTY
SECRETARY CHRISTOPHER, I AM PLEASED TO SUBMIT FOR
YOUR INFORMATION A DETAILED REPLY TO YOUR RECENT
SUGGESTIONS AND RECOMMENDATIONS CONCERNING THE
POSSIBILITY OF REDUCING THE CONSULAR WORKLOADS ON A
WORLDWIDE BASIS (REF A). WHILE MANY OF THE RECOMMEND-
ATIONS SUBMITTED ARE VALID AND MOST WELCOME, SEVERAL
WOULD REQUIRE ADDITIONAL LEGISLATION PRIOR TO IM-
PLEMENTATION. AN ANALYSIS OF THE MATTERS RAISED
FOLLOWS:

2. TEN YEAR PASSPORT VALIDITY?
THE PERIOD OF VALIDITY OF A U.S. PASSPORT IS GOVERNED
BY THE STATUTE 22 USC 2174. THE DEPARTMENT HAS
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FAVORED THE FIVE YEAR VALIDITY PERIOD OVER A TEN
YEAR PERIOD BECAUSE: (A) A PASSPORT PHOTO TENDS TO
LOSE ITS VALIDITY AS A MEANS OF IDENTIFICATION WITH
AGE, (B) THE DOCUMENT WOULD NOT STAND UP WELL FOR
LONGER THAN FIVE YEARS, AND (C) THE POSSIBILITY OF
PASSPORT FRAUD IS ENHANCED BY A LENGTHENED PERIOD OF
VALIDITY. NEVERTHELESS, THE DEPARTMENT CONCURS IN

YOUR RECOMMENDATION THAT THE MATTER BE RE-EXAMINED IN VIEW OF THE BURGEONING WORKLOAD. ASSISTANT SECRETARY WATSON, THEREFORE, HAS REQUESTED THE PASSPORT OFFICE TO STUDY WHETHER OR NOT THE DEPARTMENT SHOULD SEEK LEGISLATION TO INCREASE THE PASSPORT'S VALIDITY.

3. SHORTER PASSPORT APPLICATION FORMS FOR REPLACEMENT PASSPORTS -- THE USE OF A SINGLE APPLICATION FORM IS CONSISTENT WITH THE PREVAILING TREND IN GOVERNMENT TO REDUCE THE NUMBER OF FORMS TO A MINIMUM. IF FRAUD IS SUSPECTED, COMPARISON OF INFORMATION FROM ONE APPLICATION TO THE NEXT IS MADE EASIER WHEN THE OLD AND NEW APPLICATION ARE ALIKE. ALSO, SOME DATA CHANGE FROM ONE APPLICATION TO THE NEXT (PERSONS TO BE INCLUDED, MARRIAGE INFORMATION, VISIBLE DISTINGUISHING MARKS) AND SOME OF THIS INFORMATION MAY BE NECESSARY FOR IDENTIFICATION PURPOSES.

4. PASSPORTS-BY-MAIL -- YOUR UNDERSTANDING OF THIS PROPOSAL IS CORRECT. THE PASSPORT OFFICE IS NOW RECEIVING REPLIES FROM POSTS CONCERNING THE POSSIBLE ADOPTION OF PASSPORT-BY-MAIL ABROAD. YOU WILL BE INFORMED WHEN A DECISION HAS BEEN REACHED.

5. ABOLISHMENT OF PASSPORT REQUIREMENT -- AS YOU ARE UNCLASSIFIED

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AWARE (STATE 79218), DUE TO THE TERMINATION OF THE NATIONAL EMERGENCIES ACT ON SEPTEMBER 14, 1978 THERE WILL BE NO STATUTORY OR REGULATORY BASIS FOR REQUIRING PASSPORTS FOR ENTRY INTO OR DEPARTURE FROM THE U.S. FOLLOWING THAT DATE UNLESS NEW LEGISLATION IS ENACTED BEFORE THAT TIME. THE DEPARTMENT WILL SUPPORT SUCH LEGISLATION BECAUSE WE CONSIDER THAT IT IS IN THE INTERESTS OF THE TRAVELER TO DO SO. IN ADDITION TO FACILITATING ENTRY AND DEPARTURE, CUSTOMS, ESTABLISHING IDENTITY AND CITIZENSHIP, A PASSPORT ALSO ESTABLISHES A CITIZEN'S ENTITLEMENT TO CONSULAR PROTECTION WHEN ABROAD. WE HAVE NO ASSURANCE THAT FOREIGN GOVERNMENTS WOULD ADMIT AMERICAN CITIZENS WITHOUT PASSPORTS. IF THE PASSPORT REQUIREMENTS WERE ABOLISHED, THE IMMEDIATE QUESTION WOULD BE WHAT DOCUMENTATION WOULD FOREIGN GOVERNMENTS REQUIRE OF U.S. CITIZENS. DEPENDING ON REPLIES RECEIVED, SOME POSTS COULD CONCEIVABLY HAVE A GREATER WORKLOAD THAN THEY PRESENTLY HAVE IN ISSUING PASSPORTS. ALL

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POSTS WILL BE KEPT INFORMED OF THAT STATUS OF THIS
IMPORTANT ISSUE.

6. ELIMINATE CONSULAR REPORT OF BIRTH -- MANY PARENTS
WANT AN ENGLISH-LANGUAGE DOCUMENT ESTABLISHING THE
BIRTH AND CITIZENSHIP OF THEIR CHILDREN FOR SCHOOLS,
EMPLOYMENT AND OTHER PURPOSES. MOST NATIONS NOW HAVE
ACCEPTABLE BIRTH RECORDS BUT NONE, OF COURSE, HAS A
DOCUMENT ESTABLISHING U.S. CITIZENSHIP. IN CONSIDER-
ING THE SUGGESTION THAT THE CONSULAR REPORT OF BIRTH
BE REPLACED BY A "SIMPLE AFFIDAVIT", IT SHOULD BE
POINTED OUT THAT THE PRESENT DOCUMENT IS BASICALLY
AN AFFIDAVIT AND COULD NOT POSSIBLY BE ANY MORE
BASIC AND STILL REMAIN AN ACCEPTABLE DOCUMENT OF
CITIZENSHIP. UNDER PRESENT LAW, IN ESTABLISHING A
CHILD'S CLAIM TO CITIZENSHIP IT IS NECESSARY TO
DETERMINE THE PARENTS' DATES AND PLACES OF BIRTH;
EVIDENCE OF THEIR CITIZENSHIP; PERIODS OF RESIDENCY
OR PHYSICAL PRESENCE IN THE U.S. AND ABROAD; THEIR
MARITAL STATUS. IT IS DOUBTFUL IF ANY AFFIDAVIT
THAT IS SUBSTANTIALLY DIFFERENT FROM THE PRESENT
REPORT OF BIRTH WOULD SERVE EITHER THE PARENT'S OR
DEPARTMENT'S PURPOSE EVEN IF THE AFFIDAVIT WERE
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ATTACHED TO A PASSPORT OR REGISTRATION AFFIDAVIT. IT HAS BEEN THE DEPARTMENT'S EXPERIENCE THAT MOST PARENTS WANT AN OFFICIAL DOCUMENT THAT STANDS BY ITSELF WHEN PROOF OF CITIZENSHIP IS REQUIRED. YOU WILL BE INTERESTED TO LEARN THAT THE DEPARTMENT HAS BEEN WORKING TO MAKE THE REPORT OF BIRTH A DOCUMENT THAT THE INS WILL ACCEPT FOR PURPOSES OF ISSUANCE OF CERTIFICATE OF CITIZENSHIP AND POSSIBLY FOR THE APPROVAL OF A VISA PETITION AS WELL. IT HAS BEEN MADE CLEAR THAT THE CONSULAR REPORT OF BIRTH WILL BE ACCEPTABLE FOR THESE PURPOSES ONLY IF IT SUPPORTS THE SUBJECT'S ACQUISITION OF CITIZENSHIP. A SIMPLE AFFIDAVIT WOULD BE INADEQUATE FOR THESE PURPOSES. OUR TALKS WITH THE INS ON THIS SUBJECT ARE SCHEDULED TO RESUME IN THE NEAR FUTURE.

7. WHILE THE PROVISIONS OF 22 CFR 72.1 COULD BE REVISED TO ELIMINATE THE REPORTING OF ALL DEATHS EXCEPT THOSE CONNECTED WITH ESTATES AS REQUIRED BY STATUTE UNDER 22 USC 1176, THE DEPARTMENT BELIEVES THAT THIS WOULD BE UNWISE IN THE FACE OF PRESSURE FROM CONGRESS AND THE PUBLIC TO BE MORE -- NOT LESS -- RESPONSIVE TO THE NEEDS OF U.S. CITIZENS. THE ELIMINATION OF AN ESTABLISHED SERVICE IN THE EMOTIONALLY CHARGED ATMOSPHERE OF DEATH CASES WOULD UNDOUBTEDLY BE COUNTERPRODUCTIVE FROM THE STANDPOINT OF PUBLIC RELATIONS AND WORKLOAD. THE DEPARTMENT HAS EXPERIMENTED IN THE PAST WITH THE ELIMINATION OF THE ROUTINE PREPARATION OF FORM FS-192 FOR ALL U.S. CITIZEN DEATHS REPORTED TO CONSULAR OFFICERS IN ITALY AND SWITZERLAND. THE EXPERIMENT WAS TERMINATED AFTER TWO YEARS ON THE GROUNDS THAT THE PREPARATION OF THE FS-192 IN THE ENGLISH LANGUAGE

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PROVIDED A USEFUL SERVICE TO THE AMERICAN PUBLIC. TO OTHER GOVERNMENT AGENCIES SUCH AS SOCIAL SECURITY, VETERANS ADMINISTRATION, AND THE CIVIL SERVICE COMMISSION, AND TO INSURANCE COMPANIES AND ATTORNEYS REPRESENTING HEIRS IN THE U.S. THE NUMBER OF CASES IN WHICH THE DEPARTMENT INITIATED REQUESTS TO POSTS FOR FS-192'S IN BEHALF OF INTERESTED CITIZENS WHO WHO NEEDED PROOF OF A DEATH FOR LEGAL PURPOSES WAS IMPRESSIVE AND DEMONSTRATED THAT THE FORM PROVIDED A NEEDED PUBLIC SERVICE. IN STUDYING THE MAN HOURS EXPENDED IN THE PREPARATION OF FS0192'S, ONE SHOULD CONSIDER THE TIME-CONSUMING ALTERNATIVES TO THE ROUTINE DISTRIBUTION OF THE CONSULAR REPORT OF DEATH, SPECIFICALLY THE MAN HOURS THAT WOULD BE REQUIRED TO HANDLE THE CORRESPONDENCE NECESSARY TO

ASSIST THE AMERICAN PUBLIC IN OBTAINING AUTHENTICATED COPIES OF LOCAL DEATH RECORDS ACCEPTABLE TO U.S. USERS. GRANTED, LOCAL BRITISH RECORDS MAY BE WELL KEPT AND IN THE ENGLISH LANGUAGE, THE TIME FACTOR INVOLVED IN HANDLING INQUIRIES, CORRESPONDING WITH LOCAL REGISTRARS, CONFORMING TO LOCAL REQUIREMENTS FOR RELEASE OF THE DOCUMENT AND PAYMENT OF THE NECESSARY FEES FOR THE DOCUMENT PLUS AUTHENTICATION BY THE EMBASSY WOULD UNDOUBTEDLY BE EVEN MORE BURDENSOME TO THE EMBASSY. THE ADDED INCONVENIENCE AND DELAY IN OBTAINING ACCEPTABLE DEATH CERTIFICATES WOULD CERTAINLY BE IRRITATING TO THE AMERICAN PUBLIC. THE HANDLING OF DEATH CASES GENERATES A LARGE

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VOLUME OF CONGRESSIONAL CORRESPONDENCE AND A DELAY IN OBTAINING ACCEPTABLE INQUIRIES. INTERESTED PERSONS IN THE U.S. CONSIDER THE EXPEDITIOUS DOCUMENTATION OF PROOF OF DEATH THE MULTIPLE CERTIFIED COPIES THEREOF TO BE A REASONABLE SERVICE FROM CONSULAR OFFICES ABROAD. THE MAINTENANCE OF THE ORIGINAL OF THE REPORT OF DEATH IN THE FILES OF THE DEPARTMENT AND SUBSEQUENTLY AS PART OF THE NATIONAL ARCHIVES PROVIDES DEMOGRAPHIC RECORDS NORMALLY MAINTAINED AND PROVIDED BY THE INDIVIDUAL STATES FOR PERSONS WHO DIE IN THE U.S. TO SAVE THE EMBASSY HOURS IN DEATH CASES, THE DEPARTMENT STRONGLY RECOMMENDS THAT YOU USE THE DIRECT RELAY DEATH NOTIFICATION CABLE

FORMAT PRESCRIBED BY THE DEPARTMENT INSTEAD OF TELEPHONIC NOTIFICATION. THE DEPARTMENT ASSUMES THE CHARGES FOR THE HAND DELIVERY OF THESE MESSAGES BY WESTERN UNION TO ASSURE THAT THE RECIPIENT WILL HAVE IN WRITING ALL OF THE ESSENTIAL INFORMATION ON WHICH TO MAKE A DECISION.

8. MONTHLY PRISON VISITATIONS -- CONCERNING YOUR SUGGESTION THAT QUARTERLY, INSTEAD OF MONTHLY, PRISON VISITS BE AUTHORIZED IN THE UNITED KINGDOM, UNCLASSIFIED

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I WOULD LIKE TO POINT OUT THAT THE DEPARTMENT FEELS STRONGLY THAT THE BASIS ON WHICH THE MONTHLY VISITATION REGULATION WAS ORIGINALLY ESTABLISHED REMAINS VALID. IN PREVIOUS MESSAGES TO THE FIELD, NOTABLY STATE 31803 OF FEBRUARY 7, 1978, THE VARIOUS REASONS MONTHLY PRISON VISITATIONS SHOULD BE MADE WERE OUTLINED. AS HAS BEEN NOTED IN PREVIOUS MESSAGES, WE FULLY REALIZE THAT NOT ALL OF THE PURPOSES WILL BE SERVED BY THE MONTHLY VISITATION PROGRAM IN EACH COUNTRY. AFTER A DETAILED EVALUATION OF THE PROBLEM WORLDWIDE, THE DEPARTMENT REMAINS CONVINCED THAT THERE APPEAR TO BE SUFFICIENT REASONS TO WARRANT CONTINUATION OF THE MONTHLY VISITS. IN VIEW OF THE CIRCUMSTANCES POINTED OUT IN YOUR CABLE, HOWEVER, THE DEPARTMENT WILL BE WILLING TO TAKE UNDER ADVISEMENT AN EMBASSY REQUEST FOR A WAIVER OF THE MONTHLY PRISON VISIT REQUIREMENT.

9. VISA FEE RECIPROCITY REQUIREMENTS -- STATUTORY RECIPROCITY BASIS FOR CHARGING NONIMMIGRANT VISA FEES IS A SUBSTITUTE FOR USER COST BASIS IN CASE OF IMMIGRANT VISA FEES. NONETHELESS, DEPARTMENT BELIEVES IT WOULD BE USEFUL TO EXPLORE THE IDEA OF ELIMINATING FEES FOR BAKER, CHARLEY, FOX AND JOG NONIMMIGRANT VISAS ON THE BASIS OF POTENTIAL BENEFIT TO OUR ECONOMY WHICH CAN BE ACHIEVED BY ENCOURAGING LEGITIMATE TOURIST TRAVEL TO THE U.S., AND OF FACILITATING THE ADMISSION OF FOREIGN STUDENTS AND EXCHANGE VISITORS. AS MATTER OF FACT DEPARTMENT HAS ALREADY UNILATERALLY ELIMINATED VISA FEES FOR F AND J VISAS (AS WELL AS PROVIDING 48 MONTHS/MULTIPLE ENTRY VALIDITY) FOR VENEZUELAN AND MOST ARAB COUNTRIES ON BASIS THAT RECIPROCITY IS NOT "PRACTICABLE" WITHIN MEANING OF UNCLASSIFIED

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SECTION 281 INA, BECAUSE TRAFFIC IN THOSE CATEGORIES IS ONE-WAY FOR ALL PRACTICAL PURPOSES. DEPARTMENT IS CONTINUING TO STUDY POSSIBILITY OF SIMILAR ACTION WITH REGARD TO OTHER COUNTRIES. SIMILARLY, DEPARTMENT CONTINUALLY ENCOURAGES OTHER COUNTRIES TO ELIMINATE VISA FEES AND EXPAND VISA VALIDITY ON BASIS RECIPROCITY. MEANWHILE EMBASSY MIGHT CONSIDER REORGANIZING LAYOUT OF VISA OPERATIONS UTILIZING ASSURED NEW SPACE SO THAT CASHIER'S OFFICE WOULD BE IN IMMEDIATE PROXIMITY TO BOTH IV AND NIV SECTIONS.

L0. DEPARTMENT BELIEVES THAT IMMIGRANT VISA PETITION IS AN INTEGRAL PART OF CONGRESSIONAL SCHEME FOR PERMITTING IMMIGRATION TO U.S. IMMIGRATION LAW IS DESIGNED TO BENEFIT CITIZENS AND PERMANENT RESIDENTS WHO DESIRE THAT THEIR CLOSE RELATIVES JOIN THEM IN U.S. PETITION PROCEDURE IS THE OVERT AFFIRMATIVE ACT WHICH CITIZEN OR PERMANENT RESIDENT TAKES TO NOTIFY USG OF HIS DESIRE. GRANTING STATUS ON BASIS OF EXISTENCE OF RELATIONSHIP WITHOUT SHOWING THAT USC OR PERMANENT RESIDENT RELATIVE DESIRES ENTRY OF ALIEN WOULD VIOLATE THIS UNDERLYING CONCEPT.

LL. THE DEPARTMENT HAS RAISED THE QUESTION OF A LIMITED DELEGATION OF 212(D)(3)(A) WAIVER AUTHORITY WITH INS AND IS HOPEFUL THAT AN ARRANGEMENT WILL BE REACHED. ALL POSTS WILL BE NOTIFIED OF THE OUTCOME

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OF OUR DISCUSSIONS.

12. DEPARTMENT AGREES THAT CONGRESS SHOULD CONSIDER MOST CAREFULLY ANY PROPOSAL TO WAIVE VISITOR VISA REQUIREMENT. DEPARTMENT BELIEVES THAT A COUNTRY-BY-COUNTRY WAIVER PROVISION, WHILE ATTRACTIVE IN SOME WAYS, ALSO HAS DRAWBACKS; I.E., ADVERSE REACTION FROM COUNTRIES NOT GRANTED WAIVER AND POSSIBLE ADVERSE REACTION OF THIRD WORLD COUNTRIES TO MEASURE WHICH EXCLUDES THEM BUT GENERALLY INCLUDES INDUSTRIALIZED WESTERN NATIONS, AND POSSIBLE INCREASE IN FRAUDULENT USE OF PASSPORTS OF COUNTRIES GRANTED WAIVER. GENERAL WORLD-WIDE WAIVER OF VISITOR VISA REQUIREMENT NOT POSSIBLE UNTIL ESTABLISHMENT OF EFFECTIVE ALTERNATIVE DETERRENT TO UNAUTHORIZED ENTRY AND STAY FOR EMPLOYMENT PURPOSES.

L3. DEPARTMENT AGREES THAT RELIEF OF THE KIND SUGGESTED FOR 212(A)(9) AND (23) CASES IS DESIRABLE AND HAS IN THE PAST EITHER SPONSORED OR SUPPORTED PROPOSALS OF THAT SORT. DEPARTMENT BELIEVES, HOWEVER, THAT WORKLOAD CONSIDERATIONS ARE SECONDARY TO CONSIDERATIONS OF EQUITY AND HUMANENESS IN DEALING
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WITH SUCH PROPOSALS. QUESTION OF MODIFICATION OF 212(A)(28) MORE DIFFICULT. ON PRINCIPLE, DEPARTMENT SUPPORTS MODIFICATION OF (28), BUT IT MUST BE RECOGNIZED THAT THIS ISSUE CONTINUES TO BE ONE HAVING VERY BROAD DOMESTIC POLITICAL RAMIFICATIONS. PRESENT DEFECTOR PROVISION - SECTION 212(A)(28)(I)(II)-- IS IN ONE SENSE MORE LIBERAL THAN PROPOSAL OFFERED IN PARA 12 OF REFTL IN THAT IT REQUIRES ONLY FIVE, RATHER THAN 10 YEARS DISASSOCIATION. THE WORKLOAD BURDEN OF PREPARING AND PROCESSING DEFECTOR CASES RESULTS FROM DOMESTIC POLITICAL DECISION THAT MERE TERMINATION OF AFFILIATION NOT SUFFICIENT AND THAT OPPOSITION DURING FIVE YEAR PERIOD REQUIRED TO DEMONSTRATE SUITABILITY FOR ALIEN'S INCORPORATION INTO U.S. SOCIETY. DEPARTMENT IS NOT TAKING POSITION ON THIS MATTER, BUT IS MERELY POINTING OUT THAT SUBSTITUTION OF AUTOMATIC RELIEF TEN YEARS AFTER TERMINATION OF MEMBERSHIP FOR PRESENT FIVE-YEAR DEFECTOR PROVISION IS NOT A MATTER OF ADMINISTRATIVE CONVENIENCE. IT REPRESENTS RATHER A PHILOSOPHICAL AND POLITICAL DECISION CONCERNING U.S. ATTITUDE TO COMMUNISM.

14. IN SUMMARY, YOUR VERY INTERESTING RECOMMENDATIONS,
ESPECIALLY 2, 8 AND 12, WILL RECEIVE PRIORITY
ATTENTION BY THE DEPARTMENT AND WILL BE THE SUBJECT
OF CONSULTATION WITH APPROPRIATE CONGRESSIONAL
COMMITTEES. WE ARE ALL VERY APPRECIATIVE OF THE TIME
AND ATTENTION YOU HAVE DEVOTED TO THIS MATTER.
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